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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: January 11, 2006 Name: Steven P. Shurtz

Signature: Steven P. Shurtz

**BRINKS  
HOFER  
GILSON  
& LIONE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: John Leahey

Appln. No.: 10/755,980

Filed: January 13, 2004

For: BACTERIAL RETENTIVE AIR VENTING  
INTRAVENOUS FILTER

Attorney Docket No: 396/488

Examiner: D. J. Theisen

Art Unit: 1724

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

**Attached is/are:**

Supplemental Information Disclosure Statement; Form PTO-1449; Copy of cited reference B1.  
 Return Receipt Postcard

**Fee calculation:**

No additional fee is required.  
 Small Entity.  
 An extension fee in an amount of \$ \_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
 A petition or processing fee in an amount of \$180 under 37 C.F.R. § 1.17(p).  
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity	
					Rate	Add'l Fee	or	Rate
Total		Minus			x \$25=			x \$50=
Indep.		Minus			x 100=			x \$200=
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=
					Total	\$	Total	\$

**Fee payment:**

A check in the amount of \$ \_\_\_\_\_ is enclosed.  
 Please charge Deposit Account No. 23-1925 in the amount of \$ \_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
 Payment by credit card in the amount of \$180 (Form PTO-2038 is attached).  
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Steven P. Shurtz  
Steven P. Shurtz (Reg. No. 31,424)

January 11, 2006  
Date



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: John Leahey

Appln. No.: 10/755,980

Filed: January 13, 2004

For: BACTERIAL RETENTIVE AIR  
VENTING INTRAVENOUS  
FILTER

Attorney Docket No: 396/488

Examiner: Douglas J. Theisen

Art Unit: 1724

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicant hereby cites the following reference:

FOREIGN PATENT DOCUMENTS		
EP 0 302 722 A2	02/08/89	EPO

Applicant is enclosing Form PTO-1449 (one sheet), along with a copy of the listed reference. As the reference is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above reference and entry thereof into the record of this application.

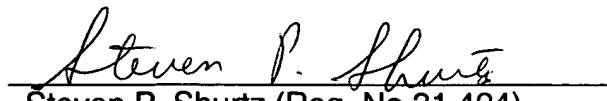
Applicant certifies under 37 C.F.R. §1.97(e)(1) that each item of information in this Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement (a copy of any foreign communication first citing a listed reference is attached for the Examiner's reference). Accordingly, Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Director is

authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

January 11, 2006

Date

  
\_\_\_\_\_  
Steven P. Shurtz (Reg. No.31,424)



FORM PTO-1449 LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	SERIAL NO. 10/755,980	CASE NO. 396/488
	FILING DATE January 13, 2004	GROUP ART UNIT 1724
	APPLICANT(S): John A. Leahey	

**REFERENCE DESIGNATION**      **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
B1	EP 0 302 722 A2	02/08/89	EPO		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.